THE HONOURABLE SRI JUSTICE E. DHARMA RAO

W.P. No. 17192 of 2005

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Dated: 04.08.2005

Between:-

Prathipati Venkata Rao s/o Chenchu Punnaiah

Aged 41 years, R/o Pamidivaripalem village,

Pedanandipadu mandal, Guntur District.

…PETITIONER

AND

The Commissioner of Panchayat Raj, Andhra Pradesh, Hyderabad

And 5 others.

..RESPONDENTS

O R D E R

This Writ Petition is filed declaring the action of the respondents 1 to 4 in not taking any steps pursuant to the representation made by the petitioner and other majority members of the Gram Panchayat, dated 22.07.2005, as illegal, arbitrary and contrary to the provisions of A.P. Panchayat Raj Act and consequently direct the official respondents to withhold the funds to the 4th respondent Gram Panchayat till appropriate decision is taken on the irregularities committed by 5th respondent.

The case of the petitioner is that the 5th respondent has elected as Sarpanch of Pamidivaripalem Gram Panchayat in the year 2001 and for the last two years she is not conducting any meeting of Gram Panchayat and she kept all the panchayat records in her possession and forging the signatures of the members of Gram Panchayat without conducting any meeting and misusing and misappropriating the funds of Gram Panchayat. It is further case of the petitioner that 5th respondent has to act in terms of the sanction given in the resolutions passed by the Gram Panchayat, but she is acting in the manner detrimental to the interests of the Gram Panchayat without conducting any meeting or without passing any resolution to take up the works of Gram Panchayat and that she has removed the ballast and sand from the filter beds and utilized such sand and other material to lay the road in 3rd and 4th wards and making efforts by submitting bills to receive money for the works executed and as the 5th respondent is misusing the funds given by XI Finance Commission under SJRY Scheme the majority members of Gram Panchayat made a representation on 22.07.2005 to the official respondents requesting them to cause enquiry and take appropriate action against 5th respondent for the irregularities committed by her, but the official respondent failed to take any steps till today. It is the further case of the petitioner that the 4th respondent, who is the Panchayat Secretary requires to do functions of Revenue and Panchayat, failed to act as per the rules framed under G.O.Ms. No. 362, dated 11.12.2001 and as he failed to discharge his duties under Sec. 31 of the Act, the official respondents are required to take appropriate disciplinary proceedings against him. It is the further case of the petitioner that as per Section 24 of the Act, the Gram Panchayat or Sarpanch is in default in performing any functions or discharging any duty imposed by or under the Act, the official respondents are empowered to take action against the concerned Gram Panchayat. As the official respondents failed to take action on the various irregularities committed by 5th respondent, he came up with the present writ petition.

Considering the facts and circumstances of the case and without going into merits or otherwise of the contentions raised herein, I deem it appropriate to dispose of the writ petition, at the stage of admission, directing the respondents 1 to 4 to pass appropriate orders on the representation, dated 22.07.2005 submitted by the petitioner and other majority members of Gram Panchayat, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above directions, this writ petition is disposed of. No order as to costs.

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E. DHARMA RAO, J

4th August, 2005

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